

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WELLS FARGO BANK, N.A. AS §
SERVICING AGENT FOR THE BANK §
OF NEW YORK MELLON F/K/A THE §
BANK OF NEW YORK AS TRUSTEE §
FOR NAAC REPERFORMING LOAN §
REMIC TRUST CERTIFICATES, §
SERIES 2004-R1 §
Plaintiff, §

VS. §

J.C. HALL a/k/a JOHN C. HALL, KELLY §
HALL, GAIN G. STINSON, GEORGANN §
G. STINSON, DEPARTMENT OF THE §
TREASURY-INTERNAL REVENUE §
SERVICE, TEXAS WORKFORCE §
COMMISSION, TRINITY VALLEY §
FOODS, INC., CA NEW PLAN FIXED §
RATE PARTNERSHIP, L.P., EARL §
GORDON, MIDLAND FUNDING, LLC §
ASSIGNEE OF ASPIRE VISA, PATRICK §
O'CONNOR & ASSOCIATES, LLP, §
Defendant. §

Civil Action No. 3:16-cv-02424-N

DECLARATION OF MICHAEL J. BURNS IN SUPPORT
OF REQUEST FOR CLERK'S ENTRY OF DEFAULT AS TO
DEFENDANT MIDLAND FUNDING, LLC, AS ASSIGNEE OF ASPIRE VISA

I, Michael J. Burns, do hereby declare under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the following is true and correct, that this declaration is made on my personal knowledge, and that I am competent to testify as to the matters stated herein:

1. I am the attorney of record for Wells Fargo Bank NA as servicing agent for The Bank of New York Mellon formerly known as The Bank of New York as Trustee for NAAC Reperforming Loan REMIC Trust Certificates, Series 2004-R1 ("Plaintiff") in the above-

captioned civil action, and I submit this declaration in support of the Plaintiff's request for entry of default as to Defendant Midland Funding, LLC, Assignee of Aspire Visa.

2. Plaintiff filed a complaint on August 19, 2016 seeking a judgment against Defendant Midland Funding, LLC, Assignee of Aspire Visa (the "Complaint"). Dkt. 1.


3. Defendant Midland Funding, LLC, Assignee of Aspire Visa was served with the Complaint and Summons on August 29, 2016, and the executed service of the Complaint and Summons upon Defendant Midland Funding, LLC, Assignee of Aspire Visa was filed herein on September 23, 2016. Dkt. 18.

4. Defendant Midland Funding, LLC, Assignee of Aspire Visa has not filed an answer to the Complaint or otherwise defended in this civil action, and it's time to do so under Rule 12(a), Federal Rules of Civil Procedure was September 19, 2016.

5. Defendant Midland Funding, LLC, Assignee of Aspire Visa is not an infant, nor incompetent. Defendant Midland Funding, LLC, Assignee of Aspire Visa is not an individual and is not eligible for relief under the Servicemembers Civil relief Act of 2003 [50 U.S.C. Appendix, § 501 et seq.].

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 24, 2016



Michael J. Burns
Counsel for Plaintiff, Wells Fargo Bank NA
as servicing agent for The Bank of New York
Mellon formerly known as The Bank of New
York as Trustee for NAAC Reperforming
Loan REMIC Trust Certificates, Series 2004-
R1